



**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
MATTHEW JASON KROTH,  
Defendant.

Case No. 23-MJ-328  
ORDER OF DETENTION

## I.

On August 22, 2023, Defendant made his initial appearance on the criminal complaint filed in this matter. Defendant was represented by retained counsel, Daniel Behesnilian. The government was represented by Assistant United States Attorney Andrew Brown. Defendant did not seek release on bail. The report prepared by Pretrial Services recommended that Defendant be detained due to risk of flight and danger.

☒ On motion of the Government [18 U.S.C. § 3142(f)(1)] in a case allegedly involving a narcotics or controlled substance offense with maximum sentence of ten or more years.

☒ On motion by the Government or on the Court's own motion [18 U.S.C. § 3142(f)(2)] in a case allegedly involving a serious risk that the defendant will flee.

The Court concludes that the Government is entitled to a rebuttable presumption that no condition or combination of conditions will reasonably assure the defendant's appearance as required and the safety or any person or the community [18 U.S.C. § 3142(e)(2)].

## II.

The Court finds that no condition or combination of conditions will reasonably assure: ☒ the appearance of the defendant as required.

☒ the safety of any person or the community.

## III.

The Court has considered: (a) the nature and circumstances of the offense(s) charged, including whether the offense is a crime of violence, a Federal crime of terrorism, or involves a minor victim or a controlled substance, firearm, explosive, or destructive device; (b) the weight of evidence against the defendant; (c) the history and characteristics of the defendant; and (d) the nature and seriousness of

1 the danger to any person or the community. [18 U.S.C. § 3142(g)]. ~~The Court~~  
2 ~~also considered all the evidence adduced at the hearing and the arguments of~~  
3 ~~counsel, and the report and recommendation of the U.S. Pretrial Services Agency.~~

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5 IV.

6 The Court bases its conclusions on the following:

7 As to risk of non-appearance:

- 8 ☒ unknown bail resources
- 9 ☒ unknown and unverified background information
- 10 ☒ prior violations of court ordered supervision in 2000, 2003,  
11 2007, 2009, 2011, 2015 and 2016.
- 12 ☒ use of aliases
- 13 ☒ in possession of drugs and firearm while on probation
- 14 ☒ Unrebutted Presumption.

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16 As to danger to the community:

- 17 ☒ allegations in the criminal complaint
- 18 ☒ prior violations of court ordered supervision
- 19 ☒ extensive criminal history includes convictions for narcotics  
20 related offenses, vehicle theft, burglary, hit and run, and false  
21 impersonation/forgery.
- 22 ☒ Unrebutted Presumption.

23  
24 V.

25 IT IS THEREFORE ORDERED that the defendant be detained until trial.

26 The defendant will be committed to the custody of the Attorney General for  
27 confinement in a corrections facility separate, to the extent practicable, from  
28 persons awaiting or serving sentences or being held in custody pending appeal.

1 The defendant will be afforded reasonable opportunity for private consultation  
2 with counsel. On order of a Court of the United States or on request of any  
3 attorney for the Government, the person in charge of the corrections facility in  
4 which defendant is confined will deliver the defendant to a United States Marshal  
5 for the purpose of an appearance in connection with a court proceeding.

6 [18 U.S.C. § 3142(i)]

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8 Dated: August 22, 2023

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/s/

9 ALKA SAGAR  
10 UNITED STATES MAGISTRATE JUDGE  
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